a ''Space Situational Awareness Strategy'' for ensuring freedom to operate United States space assets affecting national security, and to provide for a review and assessment of the requirements of the Department of Defense for the space control mission, prior to repeal by Pub. L. 110–181, div. A, title IX, §911(g), Jan. 28, 2008, 122 Stat. 280.

SPACE PERSONNEL CAREER FIELDS

Pub. L. 108–136, div. A, title V, §547, Nov. 24, 2003, 117 Stat. 1480, as amended by Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814, provided that:

''(a) STRATEGY REQUIRED.—The Secretary of Defense shall develop a strategy for the Department of Defense that will—

''(1) promote the development of space personnel career fields within each of the military departments; and

''(2) ensure that the space personnel career fields developed by the military departments are integrated with each other to the maximum extent practicable.

''(b) REPORT.—Not later than February 1, 2004, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the strategy developed under subsection (a). The report shall include the following:

''(1) A statement of the strategy developed under subsection (a), together with an explanation of that strategy.

''(2) An assessment of the measures required for the Department of Defense and the military departments to integrate the space personnel career fields of the military departments.

''(3) A comprehensive assessment of the adequacy of the actions of the Secretary of Air Force pursuant to section 8084 of title 10, United States Code, to establish for Air Force officers a career field for space.

''(c) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW AND REPORTS.—(1) The Comptroller General shall review the strategy developed under subsection (a) and the status of efforts by the military departments in developing space personnel career fields.

''(2) The Comptroller General shall submit to the committees referred to in subsection (b) two reports on the review under paragraph (1), as follows:

''(A) Not later than June 15, 2004, the Comptroller General shall submit a report that assesses how effective that Department of Defense strategy and the efforts by the military departments, when implemented, are likely to be for developing the personnel required by each of the military departments who are expert in development of space doctrine and concepts of space operations, the development of space systems, and operation of space systems.

''(B) Not later than March 15, 2005, the Comptroller General shall submit a report that assesses, as of the date of the report—

''(i) the effectiveness of that Department of Defense strategy and the efforts by the military departments in developing the personnel required by each of the military departments who are expert in development of space doctrine and concepts of space operations, the development of space systems, and in operation of space systems; and

''(ii) progress made in integrating the space career fields of the military departments.''

COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS OF SPACE COMMISSION

Pub. L. 107–107, div. A, title IX, §914, Dec. 28, 2001, 115 Stat. 1197, directed the Comptroller General to carry out an assessment through Feb. 15, 2003, of the actions taken by the Secretary of Defense in implementing the recommendations in the report of the Space Commission submitted to Congress pursuant to Pub. L. 106–65, §1623, formerly set out as a note under section 111 of this title, that were applicable to the Department of Defense, and to submit reports to committees of Congress, not later than Feb. 15, 2002, and Feb. 15, 2003, setting forth the results of the assessment.

§ 2272. Space science and technology strategy: coordination

The Secretary of Defense and the Director of National Intelligence shall jointly develop and implement a space science and technology strategy and shall review and, as appropriate, revise the strategy biennially. Functions of the Secretary under this section shall be carried out jointly by the Assistant Secretary of Defense for Research and Engineering and the official of the Department of Defense designated as the Department of Defense Executive Agent for Space.[1]

(Added Pub. L. 108–136, div. A, title IX, §911(a)(1), Nov. 24, 2003, 117 Stat. 1563; amended Pub. L. 111–84, div. A, title IX, §911(a)(1)–(3), Oct. 28, 2009, 123 Stat. 2428, 2429; Pub. L. 111–383, div. A, title IX, §901(j)(2), Jan. 7, 2011, 124 Stat. 4324; Pub. L. 114–92, div. A, title XVI, §1604, Nov. 25, 2015, 129 Stat. 1098.)

PRIOR PROVISIONS

A prior section 2272, act Aug. 10, 1956, ch. 1041, 70A Stat. 124, related to contracts to obtain designs submitted in design competitions, prior to repeal by Pub. L. 103–160, div. A, title VIII, §821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

AMENDMENTS

2015—Pub. L. 114–92 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (c) relating to space science and technology strategy, required coordination, and definitions.

2011—Subsecs. (a), (b). Pub. L. 111–383 substituted ''Assistant Secretary of Defense for Research and Engineering'' for ''Director of Defense Research and Engineering'' wherever appearing.

2009—Subsec. (a)(1). Pub. L. 111–84, §911(a)(1), substituted ''The Secretary of Defense and the Director of National Intelligence shall jointly develop'' for ''The Secretary of Defense shall develop''.

Subsec. (a)(2)(D). Pub. L. 111–84, §911(a)(2), added subpar. (D).

Subsec. (a)(5). Pub. L. 111–84, §911(a)(3), amended par. (5) generally. Prior to amendment, par. (5) read as follows: ''The strategy shall be available for review by the congressional defense committees.''

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111–383 effective Jan. 1, 2011, see section 901(p) of Pub. L. 111–383, set out as a note under section 131 of this title.

TRANSFER OF FUNCTIONS

For termination and transfer of functions of the Department of Defense Executive Agent for Space, see section 1601(b)(1) of Pub. L. 115–91, set out as a Termination of Certain Positions and Entities note under former section 2279a of this title.

INITIAL REPORT

Pub. L. 111–84, div. A, title IX, §911(a)(4), Oct. 28, 2009, 123 Stat. 2429, required the first space science and technology strategy required to be submitted under former 10 U.S.C. 2272(a)(5) to be submitted on the date on which the President submitted to Congress the budget for fiscal year 2012 under 31 U.S.C. 1105.

§ 2273. Policy regarding assured access to space: national security payloads

(a) POLICY.—It is the policy of the United States for the President to undertake actions appropriate to ensure, to the maximum extent

[1] See Transfer of Functions note below.

practicable, that the United States has the capabilities necessary to launch and insert United States national security payloads into space whenever such payloads are needed in space.

(b) INCLUDED ACTIONS.—The appropriate actions referred to in subsection (a) shall include, at a minimum, providing resources and policy guidance to sustain—

(1) the availability of at least two space launch vehicles (or families of space launch vehicles) capable of delivering into space any payload designated by the Secretary of Defense or the Director of National Intelligence as a national security payload; and

(2) a robust space launch infrastructure and industrial base.

(c) COORDINATION.—The Secretary of Defense shall, to the maximum extent practicable, pursue the attainment of the capabilities described in subsection (a) in coordination with the Administrator of the National Aeronautics and Space Administration.

(Added Pub. L. 108–136, div. A, title IX, § 912(a)(1), Nov. 24, 2003, 117 Stat. 1565; Pub. L. 110–181, div. A, title IX, § 931(a)(12), Jan. 28, 2008, 122 Stat. 285; Pub. L. 110–417, [div. A], title IX, § 932(a)(11), Oct. 14, 2008, 122 Stat. 4576; Pub. L. 111–84, div. A, title X, § 1073(c)(10), Oct. 28, 2009, 123 Stat. 2475.)

PRIOR PROVISIONS

A prior section 2273, acts Aug. 10, 1956, ch. 1041, 70A Stat. 125; Apr. 2, 1982, Pub. L. 97–164, title I, § 160(a)(4), 96 Stat. 48; Oct. 29, 1992, Pub. L. 102–572, title IX, § 902(b)(1), 106 Stat. 4516, related to right of United States to designs, rights of designers to patents, and rights to sue United States, prior to repeal by Pub. L. 103–160, div. A, title VIII, § 821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

AMENDMENTS

2009—Subsec. (b)(1). Pub. L. 111–84 repealed Pub. L. 110–417, § 932(a)(11). See 2008 Amendment note below.

2008—Subsec. (b)(1). Pub. L. 110–181 and Pub. L. 110–417, § 932(a)(11), amended par. (1) identically, substituting ''Director of National Intelligence'' for ''Director of Central Intelligence''. Pub. L. 110–417, § 932(a)(11), was repealed by Pub. L. 111–84.

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title X, § 1073(c), Oct. 28, 2009, 123 Stat. 2474, provided that the amendment made by section 1073(c)(10) is effective as of Oct. 14, 2008, and as if included in Pub. L. 110–417 as enacted.

LAUNCH SUPPORT AND INFRASTRUCTURE MODERNIZATION

Pub. L. 115–91, div. A, title XVI, § 1609, Dec. 12, 2017, 131 Stat. 1727, provided that:

''(a) IN GENERAL.—In support of the policy specified in section 2273 of title 10, United States Code, the Secretary of Defense shall carry out a program to modernize infrastructure and improve support activities for the processing and launch of United States national security space vehicles launching from Federal ranges.

''(b) ELEMENTS.—The program under subsection (a) shall include—

''(1) investments in infrastructure to improve operations at the Eastern and Western Ranges that may benefit all users, to enhance the overall capabilities of ranges, to improve safety, and to reduce the long-term cost of operations and maintenance;

''(2) measures to normalize processes, systems, and products across the Eastern and Western ranges to minimize the burden on launch providers; and

''(3) improvements in transparency, flexibility, and, [sic] responsiveness for launch scheduling.

''(c) CONSULTATION.—In carrying out the program under subsection (a), the Secretary may consult with current and anticipated users of the Eastern and Western Ranges.

''(d) COOPERATION.—In carrying out the program under subsection (a), the Secretary may consider partnerships authorized under section 2276 of title 10, United States Code.

''(e) REPORT.—

''(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the plan for the implementation of the program under subsection (a).

''(2) ELEMENTS.—The report under paragraph (1) shall include—

''(A) a description of plans and the resources needed to improve launch support infrastructure, utilities, support equipment, and range operations;

''(B) a description of plans to streamline and normalize processes, systems, and products at the Eastern and Western ranges, to ensure consistency for range users; and

''(C) recommendations for improving transparency, flexibility, and responsiveness in launch scheduling.''

ACQUISITION STRATEGY FOR EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM

Pub. L. 114–92, div. A, title XVI, § 1608, Nov. 25, 2015, 129 Stat. 1100, provided that:

''(a) TREATMENT OF CERTAIN ARRANGEMENT.—

''(1) DISCONTINUATION.—The Secretary of the Air Force shall discontinue the evolved expendable launch vehicle launch capability arrangement, as structured as of the date of the enactment of this Act [Nov. 25, 2015], for—

''(A) existing contracts using rocket engines designed or manufactured in the Russian Federation by not later than December 31, 2019; and

''(B) existing contracts using domestic rocket engines by not later than December 31, 2020.

''(2) WAIVER.—The Secretary may waive paragraph (1) if the Secretary—

''(A) determines that such waiver is necessary for the national security interests of the United States;

''(B) notifies the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] of such waiver; and

''(C) a period of 90 days has elapsed following the date of such notification.

''(b) CONSISTENT STANDARDS.—In accordance with section 2306a of title 10, United States Code, the Secretary shall—

''(1) apply consistent and appropriate standards to certified evolved expendable launch vehicle providers with respect to certified cost and pricing data; and

''(2) conduct the appropriate audits.

''(c) ACQUISITION STRATEGY.—In accordance with subsections (a) and (b) and section 2273 of title 10, United States Code, the Secretary shall develop and carry out a 10-year phased acquisition strategy, including near and long term, for the evolved expendable launch vehicle program.

''(d) ELEMENTS.—The acquisition strategy under subsection (c) for the evolved expendable launch vehicle program shall—

''(1) provide the necessary—

''(A) stability in budgeting and acquisition of capabilities;

''(B) flexibility to the Federal Government; and

''(C) procedures for fair competition; and

''(2) specifically take into account, as appropriate per competition, the effect of—

''(A) contracts or agreements for launch services or launch capability entered into by the Depart-

ment of Defense and the National Aeronautics and Space Administration with certified evolved expendable launch vehicle providers;

''(B) the requirements of the Department of Defense, including with respect to launch capabilities and pricing data, that are met by such providers;

''(C) the cost of integrating a satellite onto a launch vehicle; and

''(D) any other matters the Secretary considers appropriate.

''(e) COMPETITION.—In awarding any contract for launch services in a national security space mission pursuant to a competitive acquisition, the evaluation shall account for the value of the evolved expendable launch vehicle launch capability arrangement per contract line item numbers in the bid price of the offeror as appropriate per launch.

''(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report on the acquisition strategy developed under subsection (c).''

ROCKET PROPULSION SYSTEM DEVELOPMENT PROGRAM

Pub. L. 113–291, div. A, title XVI, §1604, Dec. 19, 2014, 128 Stat. 3623, as amended by Pub. L. 114–92, div. A, title XVI, §1606(a), Nov. 25, 2015, 129 Stat. 1099; Pub. L. 114–328, div. A, title XVI, §1603, Dec. 23, 2016, 130 Stat. 2582, provided that:

''(a) DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary of Defense shall develop a next-generation rocket propulsion system that enables the effective, efficient, and expedient transition from the use of non-allied space launch engines to a domestic alternative for national security space launches.

''(2) REQUIREMENTS.—The system developed under paragraph (1) shall—

''(A) be made in the United States;

''(B) meet the requirements of the national security space community;

''(C) be developed by not later than 2019;

''(D) be developed using full and open competition; and

''(E) be available for purchase by all space launch providers of the United States.

''(b) REPORT.—Not later than 180 days after the date of the enactment of this Act [Dec. 19, 2014], the Secretary shall submit to the appropriate congressional committees a report that includes—

''(1) a plan to carry out the development of the rocket propulsion system under subsection (a), including an analysis of the benefits of using public-private partnerships;

''(2) the requirements of the program to develop such system; and

''(3) the estimated cost of such system.

''(c) STREAMLINED ACQUISITION.—In developing the rocket propulsion system required under subsection (a), the Secretary shall—

''(1) use a streamlined acquisition approach, including tailored documentation and review processes, that enables the effective, efficient, and expedient transition from the use of non-allied space launch engines to a domestic alternative for national security space launches; and

''(2) prior to establishing such acquisition approach, establish well-defined requirements with a clear acquisition strategy.

''(d) USE OF FUNDS UNDER DEVELOPMENT PROGRAM.—

''(1) DEVELOPMENT OF ROCKET PROPULSION SYSTEM.—The funds described in paragraph (2)—

''(A) may be obligated or expended for—

''(i) the development of the rocket propulsion system to replace non-allied space launch engines pursuant to subsection (a); and

''(ii) the necessary interfaces to, or integration of, the rocket propulsion system with an existing or new launch vehicle; and

''(B) except as provided by paragraph (3), may not be obligated or expended to develop or procure a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.

''(2) FUNDS DESCRIBED.—The funds described in this paragraph are the following:

''(A) Funds authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 [Pub. L. 114–328, see Tables for classification] or otherwise made available for fiscal year 2017 for the Department of Defense for the development of the rocket propulsion system under subsection (a).

''(B) Funds authorized to be appropriated by this Act [see Tables for classification] or the National Defense Authorization Act for Fiscal Year 2016 [Pub. L. 114–92, see Tables for classification] or otherwise made available for fiscal years 2015 or 2016 for the Department of Defense for the development of the rocket propulsion system under subsection (a) that are unobligated as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 [Dec. 23, 2016].

''(3) OTHER PURPOSES.—The Secretary may obligate or expend not more than a total of the amount calculated under paragraph (4) of the funds that are authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 for the rocket propulsion system and launch system investment for activities not authorized by paragraph (1)(A), including for developing a launch vehicle, an upper stage, a strap-on motor, or related infrastructure. The Secretary may exceed such limit calculated under paragraph (4) in fiscal year 2017 for such purposes if—

''(A) the Secretary certifies to the appropriate congressional committees that, as of the date of the certification—

''(i) the development of the rocket propulsion system is being carried out pursuant to paragraph (1)(A) in a manner that ensures that the rocket propulsion system will meet each requirement under subsection (a)(2); and

''(ii) such obligation or expenditure will not negatively affect the development of the rocket propulsion system, including with respect to meeting such requirements; and

''(B) the reprogramming or transfer is carried out in accordance with established procedures for reprogramming or transfers, including with respect to presenting a request for a reprogramming of funds.

''(4) CALCULATION OF AMOUNTS FOR OTHER PURPOSES.—In carrying out paragraph (3), the Secretary shall calculate the amount of the funds specified in such paragraph as follows:

''(A) If the total amount of funds that are authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 for the rocket propulsion system and launch system investment is equal to or less than $320,000,000, such amount shall equal 31 percent.

''(B) If the total amount of funds that are authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 for the rocket propulsion system and launch system investment is greater than $320,000,000, such amount shall equal the difference of—

''(i) the amount of funds so authorized to be appropriated, minus

''(ii) $220,000,000.

''(e) DEFINITIONS.—In this section:

''(1) The term 'appropriate congressional committees' means—

''(A) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(2) The term 'rocket propulsion system' means, with respect to the development authorized by subsection (a), a main booster, first-stage rocket engine or motor. The term does not include a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.''

§ 2273a. Space Rapid Capabilities Office

(a) IN GENERAL.—There is within the Air Force Space Command a joint program office known as the Space Rapid Capabilities Office (in this section referred to as the ''Office''). The facilities of the Office may not be co-located with the headquarters facilities of the Air Force Space and Missile Systems Center.

(b) HEAD OF OFFICE.—The head of the Office shall be the designee of the Department of Defense Executive Agent for Space.[1] The head of the Office shall report to the Commander of the Air Force Space Command.

(c) MISSION.—The mission of the Office shall be—

(1) to contribute to the development of low-cost, rapid reaction payloads, busses, launch, and launch control capabilities in order to fulfill joint military operational requirements for on-demand space support and reconstitution; and

(2) to coordinate and execute space rapid capabilities efforts across the Department of Defense with respect to planning, acquisition, and operations.

(d) ELEMENTS.—The Secretary of Defense shall select the elements of the Department of Defense to be included in the Office so as to contribute to the development of capabilities for space rapid capabilities and to achieve a balanced representation of the military departments in the Office to ensure proper acknowledgment of joint considerations in the activities of the Office, except that the Office shall include the following:

(1) A science and technology element that shall pursue innovative approaches to the development of space rapid capabilities through basic and applied research focused on (but not limited to) payloads, bus, and launch equipment.

(2) An acquisition element that shall undertake the acquisition of systems necessary to integrate, sustain, and launch assets for space rapid capabilities.

(3) An operations element that shall—

(A) sustain and maintain assets for space rapid capabilities prior to launch;

(B) integrate and launch such assets; and

(C) operate such assets in orbit.

(4) A combatant command support element that shall serve as the primary intermediary between the military departments and the combatant commands in order to—

(A) ascertain the needs of the commanders of the combatant commands; and

(B) integrate space rapid capabilities into—

(i) operations plans of the combatant commands;

(ii) techniques, tactics, and procedures of the military departments; and

(iii) military exercises, demonstrations, and war games.

(5) Such other elements as the Secretary of Defense may consider necessary.

(e) ACQUISITION AUTHORITY.—The acquisition activities of the Office shall be subject to the following:

(1) The Program Executive Officer for Space shall be the Acquisition Executive of the Office and shall provide streamlined acquisition authorities for projects of the Office.

(2) The Joint Capabilities Integration and Development System process shall not apply to acquisitions by the Office for operational experimentation.

(3) The commander of the United States Strategic Command, or the designee of the commander, shall—

(A) validate all system requirements for systems to be acquired by the Office; and

(B) participate in the approval of any acquisition program initiated by the Office.

(4) To the maximum extent practicable, the procurement unit cost of a launch vehicle procured by the Office for launch to low earth orbit should not exceed $20,000,000 (in constant dollars).

(5) To the maximum extent practicable, the procurement unit cost of an integrated satellite procured by the Office should not exceed $40,000,000 (in constant dollars).

(f) REQUIRED PROGRAM ELEMENT.—(1) The Secretary of Defense shall ensure that, within budget program elements for space programs of the Department of Defense, that—

(A) there is a separate, dedicated program element for space rapid capabilities;

(B) to the extent applicable, relevant program elements should be consolidated into the program element required by subparagraph (A); and

(C) the Office executes its responsibilities through this program element.

(2) The Office shall manage the program element required by paragraph (1)(A).

(g) EXECUTIVE COMMITTEE.—(1) The Secretary of Defense shall establish for the Office an Executive Committee (to be known as the ''Space Rapid Capabilities Executive Committee'') to provide coordination, oversight, and approval of projects of the Office.

(2) The Executive Committee shall consist of the officials (and their duties) as follows:

(A) The Department of Defense Executive Agent for Space,[1] who shall serve as Chair of the Executive Committee and provide oversight, prioritization, coordination, and resources for the Office.

(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall provide coordination and oversight of the Office and recommend funding sources for programs of the Office that exceed the approved program baseline.

(C) The Commander of the United States Strategic Command, who shall validate requirements for systems to be acquired by the Office and participate in approval of any acquisition program initiated by the Office.

[1] See Transfer of Functions note below.